

Lewis County Planning Commission Public Hearing

White Pass High School
516 Silverbrook Rd.
Randle, WA

May 14, 2013 - Meeting Notes

Planning Commissioners Present: Russ Prior, Mike Mahoney, Jim Lowery, Arny Davis, Bob Guenther, Clint Brown

Planning Commissioners Excused: Richard Tausch

Staff Present: Lee Napier, Fred Chapman, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from May 8, 2013
- Staff Report on Flood Damage Prevention Update
- Lewis County Chapter 15.35, Flood Damage Prevention
- FEMA handouts

1. Call to Order

Chairman Davis called the meeting to order at 6:00 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

There were no changes or corrections to the agenda and it was approved.

3. Approval of Meeting Notes

The Chair entertained a motion to approve the meeting notes of May 8, 2013. The motion was made and seconded. Commissioner Prior stated on page 5 the date reads December 6, 2006 and it should be November 6, 2006. The notes were approved with the correction.

4. Public Hearing

Ms. Lee Napier, Lewis County Community Development Director, thanked everyone for attending and acknowledged Commissioner Lee Grose and former planning commissioner Bill Russell.

Ms. Napier announced to the audience that Planning Commission meeting materials and other Community Development updates and documents can be found on the county website. She also encouraged the audience to sign up for the Community Development list serve. A flyer for that can be found on the table at the back of the room.

Ms. Napier then presented the proposed text changes to Chapter 15.35. The majority of the proposed amendments are minor. The underlined text indicates new language; text with lines drawn through is text that will be struck from the code. Definitions were added to make the language more clear. The

most controversial proposal begins on page 16 which recommends elevating a structure to three feet. The current regulatory standard is one foot in all mapped A zones. The Lewis County Building Official suggested this change based on what the residents have experienced during heavy flooding: it is to reduce the risk of flood damage. There has been considerable discussion on this proposed change, including with the Olympia Master Builders.

Ms. Napier stated tonight's meeting would not address the following: flood insurance rate maps, channel migration maps, drainage or revetment districts or bank stabilization. Some people have issues on flood insurance but it will not be discussed tonight. Flood insurance information was brought to the meeting for anyone wanting to take it. Discussion tonight will be about changes to the code and whether or not elevating the base flood elevation to three feet should be added to the code. This will apply to new construction or structures that have received substantial damage.

Chairman Davis opened the public hearing at 6:13 p.m. to receive public testimony. He asked Mr. Chapman if he would explain under what conditions the 3' freeboard would apply.

Mr. Fred Chapman, Lewis County Building Official and Flood Plain Manager, thanked everyone for coming. He stated this process will not work unless people get involved and that direct input is required through the flood program.

Mr. Chapman stated that base flood elevation (BFE) depends on where you are in the basin and the BFE changes constantly. In mapping through hydrology the BFE is based on elevation above sea level. If the BFE is 1,062' above sea level, you would have to build one foot above ~~sea level~~ BFE with the current code. The freeboard has been at 1' above BFE since 1981. The proposal is to increase it to 3' to provide an extra margin of safety.

Chairman Davis asked how FEMA treats insurance costs between the 1' and 3' freeboard. Mr. Chapman stated the higher above BFE the less risk you have, and the higher the house the less your premiums will be. That doesn't mean that if you are at 3' that there is no potential to be damaged again. And, you don't have to be in a flood zone to have flood insurance. The freeboard will help reduce rates. For a \$250,000 home at 3' freeboard insurance is \$376 a year; at 1' freeboard the insurance is \$660. Flood insurance rates will change. Because of recent disasters FEMA doesn't have enough money for its programs and the only way they can rebuild their fund is to increase rates.

Mr. Ron Ferch, 253 Baker Rd, Randle, stated that a bank will not provide a mortgage for an existing house that does not meet the 3' freeboard.

Commissioner Mahoney asked Mr. Chapman to address the potential changes in the designation of the flood areas based on the FEMA maps. He stated there are differences between the Cowlitz Basin and the Chehalis Basin. What maps does someone look at? How does someone know what their elevation is?

Mr. Chapman stated the FEMA maps of 1981 are the adopted maps. The new preliminary maps submitted in 2010 have been put on hold by the federal government and may require re-mapping with and without levees in place. Regarding freeboard and financing: If your house meets the federal 1' freeboard it can be financed. If the county goes to a higher regulatory standard it would require all new

homes or substantially improved homes to meet the 3' freeboard. This has not occurred. The average cost to raise a 2000 square foot single family home would be about \$2000 for materials and labor.

Mrs. Rose Ferch did not think the 3' freeboard should be mandated. Her concern was that people will be preventing from rebuilding if a tree falls on their house or if it is damaged by fire. Leave the freeboard at 1' and let people choose at the time of building.

Mr. Chapman stated there is a distinction between the flood plain and the flood way. Some structures were built before Lewis County entered into NFIP and those in a regulated flood way are grandfathered the way they are now. If they are ever substantially damaged (51%) for any reason and they are located in a regulatory flood way they cannot be rebuilt. That is federal, state and local law. This is not a change in the code. The flood plain areas are different and that would not affect you if you have a fire, but you will have to rebuild according to federal standards.

In response to an inaudible comment, Chairman Davis stated the PC takes testimony and makes a recommendation to the BOCC. The BOCC holds a hearing and makes the final decision.

Mr. Rick John, 170 River Ranch Rd, Randle, stated there is a moratorium on River Ranch Run since 2007 and no new buildings are allowed. There are a lot of residents who cannot sell their property but they are paying a premium in property taxes. The rules are not addressing people who need assistance. If the moratorium could be lifted the lots could sell.

Mr. John Anderson, Packwood, asked if the freeboard would be county wide. In Packwood there was water in 1933 and none since then. It would take a lot of fill to get to the elevation of the highway and another 2' will take more fill and extra cost. He was not sure how many areas in the county are in a flood plain that have not been affected by some major events in the recent past. He understands the 3' elevation but he was not sure it fit all areas.

Commissioner Brown understood that this only applied to unincorporated Lewis County. Mr. Chapman stated that is correct. The County has no jurisdiction over incorporated areas.

Mr. Tom Miller, 102 Crescent Beach Drive, Packwood, did not understand why there should be a change if it is working in Packwood. He asked why he would want to raise his house 3' when there hasn't been water near it. Why make changes for something that doesn't need to be changed.

Mr. Chapman stated someone in High Valley may not be in a mapped flood zone. This only applies if you are in a flood zone.

Mr. Foy Leatherman, 139 Mt. View Drive, High Valley, stated a change is anticipated in the flood plain. Most likely it will change and encompass more of an area. It could change High Valley and will change the insurance whether you are in or out of a flood plain. There are people who have homes that probably will be affected if the flood plain changes. This should be made clear.

Mr. Chapman stated the studies are typically done by FEMA. Lewis County is operating under the 1981 maps and they are inaccurate. There have been two major flood events that exceeded the maps. Lewis

County is using the 1996 as the flood of record. Flood plain management is risk management. By requiring a higher freeboard standard you are reducing the risk of having water in your home.

Commissioner Guenther asked how many people know if they are in the flood plain or flood way. If they don't know then we need their contact information so they can find out. Mr. Chapman asked who in the group had elevation certificates and about 1/3 of them said they had one. Only one had experienced flood damage. Flood maps are available on the Lewis County website at www.lewiscountywa.gov.

Ms. Napier stated staff would make contact with anyone who wanted to leave their contact information.

Mr. Gordon Burns, 114 McKay Street, stated he disputed the cost of raising a home. He thought it would cost between \$5000-6000 for a 40 x 40 home. He asked what the consequences would be if the home is not raised. He would like to speak to his lending institution. Could it be sold? We are being told there are no consequences and raising it will not affect salability.

Commissioner Lowery asked if the flood plain is expanded under the new maps would those areas be included in the 3' freeboard even though they are not now. Mr. Chapman stated yes, they would be.

Commissioner Brown stated Mr. Chapman hopes to change the rating that Lewis County has with FEMA. The FEMA rating is from 1 to 10 and 10 receives a 0% discount and a 1 receives a 45% discount. He asked where Lewis County is rated. Mr. Chapman Lewis County is a 7 and receives a 15% discount. If Lewis County's classification improves the rating goes down and homeowners get a higher reduction. Mr. Chapman did not know Lewis County's rating yet and when the audit is scored he will be notified. If the rating goes down to a 5 then there will be a 3-year cycle for audits. Currently it is a 5-year cycle.

Ms. Ferch asked if FEMA rates won't be raised anyway. Mr. Chapman said yes, but a homeowners' cost is based on the elevation certificate and the level of risk. He proposed this change to help the communities. If a home is made non-compliant through Increased Cost of Compliance (ICC) by the adoption of the maps, a homeowner can get up to \$30,000 to go towards elevating the home. One-time ICC coverage is available to anyone who has a flood policy in effect.

Mr. Chapman addressed Mr. John's comments about River Ranch Run. He stated River Ranch Run is in a regulatory flood way which was in place when the subdivision was created. Some lots are buildable but most were never deemed to be buildable; they are recreational lots.

Chairman Davis responded to a comment saying that if someone has a flood-damaged home he can go to the Assessor's office and get an evaluation assessment to reduce taxes.

Ms. Ferch did not want to see the freeboard mandated. She said educating people would allow them to make a choice. She stated FEMA might not even be in existence in the future and homeowners may not be able to get flood insurance.

Commissioner Brown asked if the county goes to a 3' freeboard that is no guarantee that FEMA will change the rating. Mr. Chapman stated that was correct. He proposed this change to get people out of harm's way and reduce risk but he wants to know what the people think.

Commissioner Guenther stated he would like to see written comments from the public. He emphasized that the comments would be considered by the Planning Commission.

Commissioner Mahoney thanked everyone for attending and agreed that the Commissioners want to hear opinions. He stated that the upper Cowlitz responds differently from the lower Cowlitz and the Chehalis Rivers. In the lower Cowlitz area people are recommending going to three feet. There are too many changes in water flows and he is not sure that anyone would be affected by what is done here. If you have never had water to your threshold then you are probably not in the flood plain. In the Randle/Packwood area the steepness allows the water to get away faster.

Mr. Tracy Smith, 141 Smith Road, Packwood, thanked the Planning Commission for the concerns. He asked if the officials have addressed the flow capabilities during high water and why [the river] is being restricted. What about floods that put debris in the channel that slowed down the water? Shouldn't we improve water flow? He stated the environmentalists are controlling what we can do. People don't understand the full picture of forestry and they are the ones who should be educated. Mr. Chapman is doing what he thinks is right. A three-foot freeboard will help everyone in the future but what about the older homes? Are we really looking at the full picture about what is causing flooding in these places?

Chairman Davis stated there is a lack of looking at the big picture but not by this Commission.

Question from unidentified speaker: Can this area be zoned differently from other areas? Chairman Davis suggested dividing below and above the dam. He thought it should be looked into.

Question from unidentified speaker: Will it be more restrictive up here or will it be more restricted in incorporated areas? Ms. Napier stated the code only talks about unincorporated areas.

Commissioner Brown stated the question being asked is will this only affect unincorporated areas in the county? If the goal is to change the class that Lewis County is in and Chehalis and Centralia say they are not going to follow then that is their prerogative. His concern was that we have not heard from FEMA and he would like them to come to talk to us and tell us how the proposed changes are going to affect us.

Comment by unidentified speaker: It doesn't make sense that incorporated and unincorporated areas in the county are held to different standards.

[Recorder's note: There were other questions and comments that were not picked up by the microphone and therefore not reflected in these notes].

There were no other comments and Chairman Davis closed the oral testimony at 7:16 p.m. Ms. Napier asked that her and Mr. Chapman's comments be added to the record.

Commissioner Prior asked if it was possible to increase the time for written testimony to 14 days, May 24. Commissioner Mahoney made that motion; Commissioner Prior seconded. The motion carried.

Commissioner Brown stated he would like to hear from FEMA and made a motion to invite a representative to talk on the proposed changes. Commissioner Guenther seconded. The motion passed with Commissioner Prior voting no.

5. New Business

There was no new business.

6. Calendar

The next meeting will be on May 28, a public hearing on the Public Benefit Rating System, and updates on the Large Lot Subdivision code, Title 17 Land Use Development Regulations, and the Shoreline Master Program.

7. Good of the Order

Commissioner Lee Grose stated that the Planning Commissioners are volunteers and are working for the public. Their recommendations are taken seriously but there is not always agreement with the Board of County Commissioners. He stated most of the comments made echo his own thinking. It was good to hear what the people had to say and hopefully the BOCC will reach a satisfactory conclusion. He thanked the Planning Commission for having the meeting in Randle.

Mr. Bill Russell, 111 Churchel Rd, Randle, stated he would like the Planning Commission to consider if the road standard is going to be adopted. Will non-residential structures be considered? He asked if the Commission is sure it wants to codify this proposal. He is not opposed to a 3' freeboard but it needs to be worked out a little more. He was pleased to see such a good turnout.

8. Adjourn

There was no more business and the meeting adjourned at 7:24 p.m.